

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN STEVE VICK**, on April 2, 2001 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Rep. Dave Lewis, Vice Chairman (R)
Rep. Matt McCann, Vice Chairman (D)
Rep. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. Tim Callahan (D)
Rep. Edith Clark (R)
Rep. Bob Davies (R)
Rep. Stanley Fisher (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. Jeff Pattison (R)
Rep. Art Peterson (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Paula Broadhurst, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 489 SB 483 SB 338 SB 176 HB
651, 4/30/2001
Executive Action: None.

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON HB 651

Sponsor: Rep. Dave Lewis, HD 55, Helena

Proponents: Dick Crofts, Commissioner of Higher Education; Mary McEwen, Executive Director of the Montana Dental Association; Jim Smith, Montana Speech, Language and Hearing Association.

Opponents: Ben Havdahl, Helena, Montana State Coordinator for Self-Help for Hard of Hearing People, and a member of the Governor's Committee of the Montana Telecommunications Access Program (MTAP); Chris Koontz, Executive Director, Montana Telecommunication Access Program.

Opening Statement by Sponsor:

Rep. Dave Lewis, HD 55, Helena, introduced HB 651 which is to fund the three issues added on the floor to HB 2. This is a committee bill to authorize the use of a state special revenue account for telecommunications services for persons with disabilities and may be used for a speech pathology student assistance program, for a dental hygiene program, and the HIV-Aids treatment and insurance coverage; amending section 53-19-310, MCA; and providing an immediate effective date and a termination date.

Proponents' Testimony:

Dick Crofts, Commissioner of Higher Education, representing the Montana State University System urged support of the bill to implement the provisions of HB 2.

Mary McEwen, Executive Director of the Montana Dental Association, stated there is a tremendous need in the State of Montana for a dental hygiene school. She stated this is where it will get done.

Jim Smith, Montana Speech, Language and Hearing Association, stated his particular interest in the bill was the training for three speech-language pathologists to attend a master's program through the WICHE Program which is in this bill.

John Metropolis, Montana Dental Hygiene Association, strongly urged a do pass recommendation.

Steve Yaekel, Montana Council for Maternal and Child Health, stated all three projects in the bill are worthy and urged support.

{Tape : 1; Side : A; Approx. Time Counter : 50}

Opponents' Testimony:

Ben Havdahl, Helena, Montana State Coordinator for Self-Help for Hard of Hearing People, and a member of the Governor's Committee of the Montana Telecommunications Access Program (MTAP), explained the services of the self-help program for the hard of hearing. He stated this bill will divert monies from the program for the deaf and hard-of-hearing for causes totally unrelated "just because the money is there." He spoke about other bills that were for the benefit of the hard-of-hearing and in the processing of passing. He stated \$220,000 for dental hygiene and aids is not consistent with the intent of the MTAP fund. He explained the 711 dialing help program. He urged the committee to amend out of HB 651 those unrelated expenditures that were not appropriate for payment from the MTAP fund and seek funding from other sources.

EXHIBIT (aph74a01)

Chris Koontz, Executive Director, Montana Telecommunication Access Program, who has been with the program since its inception in 1989, explained the two vital needs in the state the program addresses. They are the Montana Relay Service which serves the deaf, hard of hearing, and speech impaired, and the equipment distribution program. These services enable the disabled to make a simple telephone call. She stated using this money for other purposes would deplete the fund and usage of the services is growing. She asked the committee not to support HB 651.

{Tape : 1; Side : A; Approx. Time Counter : 168}

Informational Witnesses:

Nan LeFay, Customer Relations Coordinator, Director's Office, Department of Public Health and Human Services (DPHHS), stood as an informational witness and pointed out the fiscal impacts of passage of HB 651. She stated if both HB 468 and HB 651 were passed for a total of \$400,000, it would deplete the fund balance by the end of fiscal year 2007. This has been determined by the projected growth expansions. This would be the case if HB 651 were funded one-time-only; if it were to continue, the fund balance would be depleted by fiscal 2005 and the legislature would be faced with reducing MTAP services, increasing those fees, or funding it with general fund. She added the interest earnings from MTAP to the general fund would also decrease.

{Tape : 1; Side : A; Approx. Time Counter : 230}

Questions from the Committee Members and Responses:

Rep. Kasten asked the total amount generated per year from MTAP.

Nan LeFay responded based on a growth rate of 5%, fees collected in 2002 would be \$938,000 and 2003 would be \$984,000. The expenditures based on a 7.5% growth rate for 2002 would be \$937,000 and just under \$1,000,000 in 2003. Thus, beginning in 2003 an imbalance will exist between income and expenditures.

Rep. Kasten asked the current balance.

Nan LaFay stated the projected year-end balance for 2001 for MTAP is \$855,000.

Rep. Jayne asked the purposes of the MTAP fund when it was established. **Rep. Lewis** responded as described by **Mr. Havdahl** it was to assist hearing-impaired persons to interface with the telephone system.

Rep. Jayne questioned if a policy would be established to include the three new programs under this specific statute. **Rep. Lewis** answered there is a termination date of June 30, 2003; therefore, it would be a statutory change for this biennium only to implement the provisions of HB 2 and would terminate in 2003.

Rep. Jayne asked if the three programs would need to seek other funding after 2003. **Rep. Lewis** responded that would be correct; the appropriations in HB 651 are a one-time-only and other funding would need to be found.

Rep. Jayne continued asking the purpose of putting the three new programs under the section of the code dealing with disabilities. **Rep. Lewis** stated the actions were taken during the debate on HB 2 in which the House approved motions to add these programs and have them be funded from this account. These actions have been endorsed by the Senate also. He stated HB 651 is a clean-up bill to change the statute to allow the funding from MTAP.

{Tape : 1; Side : A; Approx. Time Counter : 292}

Closing by Sponsor:

Rep. Lewis stated the majority of the people involved in drafting the bill were definite in their decision to use funds from MTAP since it had a large fund balance. He closed on HB 651.

{Tape : 1; Side : A; Approx. Time Counter : 308}

HEARING ON SB 176

Sponsor: Sen. Walter J. McNutt, SD 50, Sidney

Proponents: Jean Curtiss, County Commissioner, Missoula County; Gordon Morris, Director, Montana Association of Counties (MAC); Ron Alles, Chief Administrative Officer, Lewis & Clark County; Ann Mary Dussault, Chief Administrative Officer, Missoula County.

Opponents: Mona Jamison, Attorney, Helena, Lobbyist, Gallatin County; John Larson, District Court Judge, Missoula; Glenn Welch, Chief Probation Officer, Missoula County.

Opening Statement by Sponsor:

Sen. Walter J. McNutt, SD 50, Sidney, introduced SB 176 which was requested by the Department of Administration and the Department of Revenue. It is an act providing for state assumption of the costs of funding district courts, excluding county attorneys, public defenders and clerks of district court. This bill is a result of a study. He reported various results of the study such as the multiple sources of funding, the personnel becoming state employees or remaining county employees, and court recorders' status. The bill sets up the system for all employee situations.

EXHIBIT (aph74a02)

{Tape : 1; Side : B; Approx. Time Counter : 30}

Proponents' Testimony:

Jean Curtiss, County Commissioner, Missoula County, spoke in favor of SB 176. She stated as a new commissioner she studied the issue fully in Missoula County in order to understand it, and she reported her findings to the committee. SB 176 would put the entire system under the state judicial system and would be revenue neutral to the state. She urged support of the SB 176.

Gordon Morris, Director, Montana Association of Counties (MAC), spoke in support of SB 176 and distributed information on suggested amendments. He explained the amendments and the problems of the current system.

EXHIBIT (aph74a03)

Ron Alles, Chief Administrative Officer, Lewis & Clark County, stood in support of SB 176. He added the bill is a culmination

of a very thorough process and much work on the part of the committee.

{Tape : 1; Side : B; Approx. Time Counter : 200}

Ann Mary Dussault, Chief Administrative Officer, Missoula County, spoke as a former legislator who had involvement in this issue years ago. She distributed information to the committee and covered the highlights. She stated the bill is revenue neutral to the state. She stated district courts are in essence state courts and urged support of SB 176.

EXHIBIT (aph74a04)

{Tape : 2; Side : A; Approx. Time Counter : 20}

Opponents Testimony:

Mona Jamison, Attorney, Helena, Lobbyist for Gallatin County, stated Gallatin County opposed SB 176 due to the fear of losing administration of district courts and creating new problems. Local control is necessary in the election of judges. She stated the creation of new employees to administer district courts from the state level causes SB 176 not to be revenue neutral to the state.

John Larson, District Court Judge, Missoula, rose in opposition to SB 176. He stated the people would receive no benefits in transferring control of the district court to Helena. He urged the committee to examine the true costs and the effects of administering the county courts at a state level.

Glenn Welch, Chief Probation Officer, Missoula County, spoke in opposition of SB 176. He stated the increased workload in the past 25 years has been handled only by use of grants and was concerned the grants would be lost.

Informational Witnesses: None.

{Tape : 2; Side : A; Approx. Time Counter : 305}

Questions from Committee Members and Responses:

Rep. Witt asked about the \$13,000,000 "black hole" of funding referred to by Judge Larson. **Ann Mary Dussault** responded it was not a black hole but rather a number of local revenues that will go to the state and be used to fund the district court costs.

Rep. Witt asked if the District Court system in Missoula was different than any other county in Montana. **Ann Mary Dussault** answered Missoula County has a set of unique programs that are highly collaborative among state, county, and local programs. She felt the bill addressed the grant issues.

Rep. Kaufmann asked about the supervision of employees being transferred to a bureaucracy in Helena. **Ann Mary Dussault** responded there would be some changes in supervision but felt day-to-day supervision remained with the district judge and was addressed in the bill.

Rep. Kaufmann asked the number of counties that did not support the bill. **Gordon Morris** stated he knows only of Gallatin and Yellowstone Counties that do not support the bill. Yellowstone County has a relatively unique situation with the public defender program.

Rep. Jayne asked about Lake County's position on the issue. **Gordon Morris** stated Lake County Commissioner Mike Hutchin served on the interim committee and believes Lake County supports the bill.

Rep. Jayne asked Mr. Morris' opinion in regard to the opponents concern of the district courts being under the administration of the state. **Gordon Morris** stated he viewed the concern voiced of central administration was a plus and the districts would be more equitably funded without any individual losses or loss of grant monies.

Rep. Jayne asked about the lack of support from the legal community and the Bar Association.

Judge Larson stated he could not speak for the Bar but the District Court Reimbursement Program was more equitable as determined in a 1995 study. He felt the system in SB 176 has no shape or form. Extra funds needed to implement SB 176 would be better used to enhance the current district court reimbursements.

Rep. Jayne asked about the interfacing issues such as the administration done by whom and from where.

{Tape : 2; Side : B; Approx. Time Counter : 0}

Judge Larson answered he views his work as community work and views problems with youth not as state responsibilities but local community responsibilities. Transferring administration to Helena will de-sensitize youth court processes.

Rep. Fisher asked what assurance there is that the counties will reduce their cost proportionately.

Gordon Morris answered HB 124 will be reducing the counties' entitlement provision which, in turn, will provide the funding for SB 176. There will be no reductions at the county level in taxes; it will indirectly go to the state level for the district court expenses.

Rep. Fisher asked about Flathead County's position. **Gordon Morris** replied one Flathead County Commissioner is in support of SB 176 and he did not know the position of the other two. Most opposition he has seen is from the court side and not the commission side.

Rep. Fisher asked about the lack of interest of the Supreme Court and if the Court was in support of SB 176. **Sen. McNutt** stated the position of the Supreme Court is that they are non-partisan and the Judiciary Branch cannot take a position. They will abide by what is decided by the Legislative Branch.

Chairman Vick asked about the addition of 8.5 FTE and the increase in pay for some employees and, therefore, how it could still be revenue neutral for the state.

Judy Paynter, Department of Revenue, responded as the committee facilitator during the interim. She stated the 8.5 FTE are currently in place in the various counties; however, when divided by the 56 counties, it was difficult to pull that amount of money from each county. Therefore, the revenue expenditure is in HB 124 and is offset by the incoming revenues.

Rep. Kasten asked about the statement made that 8.5 FTE would not be enough and that 15 FTE would be necessary. **Judy Paynter** answered the 15 FTE requested was scrutinized and trimmed to a minimum of 8.50.

Sen. McNutt responded to **Chairman Vick's** question that county funds would flow into the state and provide the funding at the state level to implement the additional FTE.

{Tape : 2; Side : B; Approx. Time Counter : 130}

Closing by Sponsor:

Sen. McNutt stated in closing that in exhibit 2, page 6, it is stated the State Bar of Montana unanimously approved a motion supporting state funding of the district courts. He clarified other concerns voiced during the hearing in regard to probation

officers and court reporters. He stated the committee worked hard on putting a system together for the State to assume the district courts and put equality in the various districts throughout the entire state. He added it is a big step but it is time to be proactive. **Sen. McNutt** closed on SB 176.

{Tape : 2; Side : B; Approx. Time Counter : 250}

HEARING ON SB 338

Sponsor: Sen. Dale Berry, SD 30, Hamilton

Proponents: Steve Yaekel, Montana Council for Maternal and Child Health; Betty Whiting, Billings, Montana Association of Churches; Sammy Butler, RN, Montana Nurses Association; Sharon Hoff-Brodowy, Montana Catholic Conference; Bob Olson, MHA; Bonny Aidy, Mental Health Care; Jani McCall, Deaconess Billings Clinic; Mary Dalton, Bureau Chief, Medicaid and CHIP, Department of Health and Human Services; Colleen Murphy, Helena, Executive Director, Montana Chapter National Association of Social Workers; Chuck Butler, Blue Cross/Blue Shield of Montana; Jerry Lendorf, Montana Medical Association; Al Davis, Mental Health Association.

Opponents: None.

Opening Statement by Sponsor:

Sen. Dale Berry, SD 30, Hamilton, introduced SB 338 which is to increase the poverty level for the CHIP funding from 150% of the poverty to 175%. This would bring more children into the program. However, the original intent of the bill has been amended out since there is no additional funding provided. The level currently stands at the 150% with additional language regarding dental and eye coverage. Blue Cross/Blue Shield of Montana manages the CHIP program. Without additional funding, the bill covers fee for services and holds the department accountable to stay within budgets.

{Tape : 2; Side : B; Approx. Time Counter : 315}

Proponents' Testimony:

Steve Yaekel, Montana Council for Maternal and Child Health, urged acceptance of SB 338. He asked the committee to amend the bill back up to at least 160% of the poverty level to allow more uninsured children to become insured.

Betty Whiting, Billings, Montana Association of Churches, rose in support of SB 338 and encouraged the committee to amend it back

to as high as possible—160%, 175%, or 200%. She felt the Tobacco Settlement monies should be put into the health care of our children.

Sammy Butler, RN, Montana Nurses Association, has been a proponent of the program since its inception and urged support of the bill. She encouraged the committee to raise the poverty levels for qualification.

Sharon Hoff-Brodowy, Montana Catholic Conference, rose in support of the bill and in support of increasing the level of poverty. She stated without the bill, there is no CHIP.

Bob Olson, MHA, rose in support of the bill and in support of increasing the poverty level.

{Tape : 3; Side : A; Approx. Time Counter : 0}

Bonny Aidy, Mental Health Care, spoke in favor of SB 338 as it allows the department to pay directly to providers and keeps the mental health care system available for children.

Jani McCall, Deaconess Billings Clinic, testified in strong support of the bill for the underinsured and uninsured. She asked the committee to increase the poverty level to at least \$160.

Mary Dalton, Bureau Chief, Medicaid and CHIP, Department of Health and Human Services, rose in support of the bill. The most important section of the bill now is to allow the department to contract directly on a fee for service basis with the providers.

Colleen Murphy, Helena, Executive Director, Montana Chapter National Association of Social Workers, rose in support of the bill. She was disappointed that the elimination of the assets test had been amended out since it would open up slots for more uninsured children without significantly more funding being required. She stated it is possible to increase the eligibility for CHIP in terms of spending authority without increasing the amount of money allocated for CHIP.

Chuck Butler, Blue Cross/Blue Shield of Montana, distributed information for the committee showing enrollees by county. He urged support of the bill.

EXHIBIT (aph74a05)

Jerry Lendorf, Montana Medical Association, stated they originally supported the bill principally due to the raising of

the cap of eligibility. He urged support of raising the cap and the bill in general.

Al Davis, Mental Health Association, strongly supported SB 338.

Opponents' Testimony: None.

Informational Witnesses: None.

{Tape : 3; Side : A; Approx. Time Counter : 90}

Questions from Committee Members and Responses:

Rep. Pattison asked about the fee for service established by the department. **Sen. Berry** answered it is a private program administered by Blue Cross/Blue Shield and the fee for service would be a direct payment from the department to a provider for a service without going through the insurance program if the insurance fee is too high.

Rep. Pattison asked what the typical fee would be. **Chuck Butler** responded the fees vary with the participating providers, but they have agreed to accept a reduction of 20% in reimbursement. Urban hospitals have agreed to accept a 15% reduction and rural hospitals have agreed to accept 10% reduction. A general office fee could be between \$35 and \$50 with the Blue Cross/Blue Shield allowance being \$40 and the 20% reduction lowering the fee to \$32.

Rep. Kaufmann asked about the poverty level language including the words "lower level." **Steve Yaekel** answered the language establishes a relative eligibility level; however, the actual budget appropriated controls it.

Rep. Kaufmann asked for clarification of the effects of raising the poverty level to 200%. **Steve Yaekel** replied it is all driven by the spending authority allowed.

Rep. Kasten asked how a family of four has been helped by the CHIP program. **Chuck Butler** responded when the program began two years ago, more than 20% of the population was uninsured. The uninsured has been reduced 1% which is 9720 children of working families who do not qualify for medicaid and cannot afford private insurance. They pay a minimal amount to participate in CHIP.

Rep. Kasten asked how many of these families had previous insurance.

Chuck Butler replied these were families who had no insurance.

Rep. Kasten asked about the state mandates which have gone into effect requiring a family of four \$50 more per month. **Chuck Butler** responded he was not sure of the specific dollar amount but the mandates were for group health insurance and do not all apply to the CHIP program since it is a private insurance.

{Tape : 3; Side : A; Approx. Time Counter : 280}

Closing by Sponsor:

Sen. Berry stated the CHIP program with the federal government is a 10-year program with an 80% federal-20% state match. Although the program was slow starting, it has been very successful and saves the state dollars in the long run. He urged passage of the bill and closed on SB 338.

{Tape : 3; Side : A; Approx. Time Counter : 330}

HEARING ON SB 489

Sponsor: Sen. Lorents Grosfield, SD 13, Big Timber

Proponents: Joe Williams, Department of Corrections; Sharon Hoff-Brodowy, Montana Catholic Conference; Betty Whiting, Billings, Montana Association of Churches; Sen. Chris Christiaens, SD 23, Great Falls; Colleen Murphy, Helena, Executive Director, Montana Chapter National Association of Social Workers.

Opponents: None.

Opening Statement by Sponsor:

Sen. Lorents Grosfield, SD 13, Big Timber, introduced SB 489 which deals with revising the penalties for fourth or subsequent offense driving under the influence (DUI) of alcohol or drugs and driving with excessive alcohol concentration. There have been a significant number of fourth offense convictions in the last year and the problem is that many offenders have previously been convictions of the fourth DUI. The bill is to establish a new, more aggressive approach for treatment and prevention for repeat offenders. The bill is also about saving the State of Montana about \$3,000,000 per year from non-incarceration of those offenders.

EXHIBIT (aph74a06) and **EXHIBIT (aph74a07)**

{Tape : 3; Side : B; Approx. Time Counter : 110}

Proponents' Testimony:

Joe Williams, Department of Corrections, speaking on behalf of Bill Slaughter, Director, Department of Corrections, rose in support of the bill and stated the amendments actually strengthen the bill. He stated the Department of Justice also supports this bill.

Sharon Hoff-Brodowy, Montana Catholic Conference, spoke in support of the bill and the evolution of the bill and urged committee support. She stated this is saving money and people.

Betty Whiting, Billings, Montana Association of Churches, spoke in support of the bill and the individualized correction programs it promotes.

Sen. Chris Christiaens, SD 23, Great Falls, rose in support of the bill and distributed suggested amendments. He referred to the next bill to be heard, SB 483, as being compatible and that both bills are needed. He cited figures per exhibit 9 distributed in the hearing on SB 483.

EXHIBIT (aph74a08)

Colleen Murphy, Helena, Executive Director, Montana Chapter National Association of Social Workers, spoke in support of the bill and addressed the costs in human terms.

{Tape : 3; Side : B; Approx. Time Counter : 285}

Opponents' Testimony: None.

Informational Witnesses: None.

Questions from Committee Members and Responses:

Rep. Callahan asked about the figures of fourth time offenders being sent to prison and repeating the offense upon being released.

Joe Williams stated that information would best be found in a report by Michael Wingard, Legislative Auditor's Office, which followed 34 offenders as they moved through the system. **Mike Wingard** explained his report. He found 8 of 19 offenders (of the 34 followed) who violated parole conditions received another DUI.

Chairman Vick asked the time frame involved. **Mike Wingard** stated it was a three-year time frame.

Rep. McCann asked if the amount of money saved and the amount appropriated is realistic. He asked if all the offenders would be able to take the treatment program at the same time or would some be on a waiting list.

Joe Williams stated 140 could be treated at one time in one location such as the Warm Springs facility.

Rep. McCann asked if the costs would escalate in the future and cost the State more than projected.

Joe Williams stated they had been very thorough in estimating all costs as currently known; however, additional costs could arise as the program grows.

Rep. McCann asked if they were prepared to run the program within the budget.

Joe Williams answered they were aware of the current funding situation, and under the direction of Director Slaughter and Governor Martz if more money is necessary, it will need to be found within the Department.

{Tape : 4; Side : A; Approx. Time Counter : 0}

Rep. Fisher asked if offenders could be made to pay for half the cost of incarceration and treatment.

Sen. Grosfield answered the bill states if they are financially able to contribute, they could be required to pay; however, the people involved in fourth time convictions are intensely ill and usually unemployed by that time.

Rep. Fisher suggested a judgement standing against them could be a reminder to them that society is not paying the tab forever.

Rep. Jayne asked about forcing treatment on offenders who may not be ready to admit it is necessary.

Sen. Grosfield answered all offenders have had previous treatment but is usually rather sparse. He believes the intensive and extensive treatment of the new program lasting for six months will be more effective whether the offender is ready for it or not.

Rep. Haines asked how many subsequent offenses society should accept before a more radical approach is taken.

Colleen Murphy stated that would be hard to determine and possibly it is up to the legislature as to the tolerance level for public safety.

Rep. Haines asked from a mental health professional's point of view, what amount should society tolerate.

Colleen Murphy responded chemical dependency is still being dealt with in a different manner than other felonies such a threat to life. She felt there is no answer at this time.

Rep. Pattison asked if the program would be based on alcoholism being a disease or social problem.

Norma Jean Boles, Health Services Manager, Department of Corrections, responded after researching the issue, the most effective method used in corrections is to treat it as a disease with social ramifications.

Rep. Davies asked if patients would be working while in treatment. **Norma Jean Boles** responded the patients would have duties within the treatment center which would also be therapeutic tasks.

Rep. Davies asked if offering a penalty worse than treatment would encourage a change in attitude about treatment.

Norma Jean Boles stated they would be returned to prison if necessary behaviors were not demonstrated. The goal is to make the patients work hard at the treatment.

Rep. Davis asked about the security of the "X" building in Warm Springs and the monitoring while on probation.

Norma Jean Boles stated the building was designed as a secure building and will be staffed for security. Upon successful treatment the patients would go on probation for five years using the interlock system within corrections. There would be no bracelets available for use.

Rep. Kasten asked about the amendments and what affect it would have on the fiscal note.

Sen. Grosfield responded he has mixed feelings about the amendments. He would like to see the focus on alcohol in the beginning to see how it works.

Rep. Witt asked why we wait till the fourth offense.

Sen. Grosfield answered it is tied to budget constraints although it is a very good point.

Rep. Witt asked how the screening process would determine the patients selected for treatment. **Sen. Grosfield** stated violent and non-violent criteria would be the biggest determination. Non-violent will be chosen both for security and staffing requirements.

Chairman Vick asked about the number of offenses.

Sen. Grosfield stated it is a new program and non-violent offenders receiving treatment for the first time, regardless of the number of convictions, will be chosen over those who have received treatment and repeated the offense. There are some offenders that will not qualify at all due to attitude and high number of offenses. Prison is their only option. He gave the committee additional numbers of offenses and convictions.

{Tape : 4; Side : B; Approx. Time Counter : 15}

Closing by Sponsor:

Sen. Grosfield explained the intent of Senate Joint Resolution 17 and SB 207 which states the forensic unit at Warm Springs is property of the Department of Corrections and may be used only for treatment of inmates with chemical dependency or other mental problems. The intent of the resolution did pass in SB 207 and was signed by the Governor March 29, 2001. He asked the committee to consider removing lines 7 and 8, page 17 in SB 489 (exhibit 6). **Sen. Grosfield** closed on SB 489.

{Tape : 4; Side : B; Approx. Time Counter : 82}

HEARING ON SB 483

Sponsor: Sen. Chris Christiaens, SD 23, Great Falls

Proponents: Mona Sumner, Chief Operations Officer and Clinical Director, Rimrock Foundation, Billings; Betty Whiting, Billings, Montana Association of Churches; Sharon Hoff-Brodowy, Montana Catholic Conference.

Opponents: None.

Opening Statement by Sponsor:

Sen. Chris Christiaens, SD 23, Great Falls, introduced SB 483 which is an act generally revising the laws pertaining to a fourth or subsequent offense of driving under the influence of alcohol or drugs (DUI) and distributed information for the committee on amendments and statistics. The current law states fourth time DUI offenders are sentenced to ten years. He spoke specifically about the chemical dependency assessment conducted as part of a pre-sentence investigation referred to on lines 10-19 on page 5 of the bill. He addressed the importance of an after-care program being essential to the success of any treatment. This bill differs from SB 489 by requiring action on the third offense rather than the fourth.

EXHIBIT(aph74a09), EXHIBIT(aph74a10), and EXHIBIT(aph74a11)

{Tape : 4; Side : B; Approx. Time Counter : 280}

Proponents' Testimony:

Mona Sumner, Chief Operations Officer and Clinical Director, Rimrock Foundation, Billings, distributed information to the committee on repeat DUI offenders. She responded to several questions posed by the committee earlier. She stated no one comes to treatment voluntary but in cases of the court mandating treatment, it is tremendously effective. The Rimrock Foundation has in previous sessions presented a court mandated program of DUI offender treatment, which is essentially in SB 483. It was termed the Maryland Model and she explained it. She urged support of the bill.

EXHIBIT(aph74a12)

{Tape : 5; Side : A; Approx. Time Counter : 0}

Betty Whiting, Billings, Montana Association of Churches, rose in support of SB 483 and in support of the Rimrock Foundation.

Sharon Hoff-Brodowy, Montana Catholic Conference, spoke in support of the SB 483 and stressed the human costs. She would like to see the state be proactive and not reactive.

Opponents' Testimony: None.

Informational Witnesses: None.

Questions from Committee Members and Responses:

Rep. Jayne asked about the provisions for the after-care program.

Sen. Christiaens stated the bill does not specify the after-care program but the treatment provider is responsible for developing that part of the program.

Rep. Kaufmann asked if passage of both SB 489 and SB 483 would conflict or compliment each other.

Sen. Christiaens stated they are two different programs with one addressing the third conviction and the other addressing the fourth conviction. He stressed the part of the court in mandating treatment.

Rep. Kaufmann asked about the availability of the treatment program if they were sentenced to prison by the judge rather than to treatment.

Sen. Christiaens stated the third DUI is community treatment and would not be using the correctional facility at Warm Springs.

Rep. Vick asked if there was a sufficient number of community centers throughout the state.

Sen. Christiaens distributed a list of felony DUI convictions by county and replied there are a sufficient number of community centers.

EXHIBIT (aph74a13)

{Tape : 5; Side : A; Approx. Time Counter : 80}

Closing by Sponsor:

Sen. Christiaens closed by stating we should never wait for the fourth conviction and felony to occur before treatment. He closed on SB 483.

ADJOURNMENT

Adjournment: 12:50 A.M.

REP. STEVE VICK, Chairman

PAULA BROADHURST, Secretary
Transcribed by Sandy Whitaker

SV/PB/SW

EXHIBIT (aph74aad)